

ASSEMBLY BILL

No. 740

Introduced by Assembly Member Hagman

February 26, 2009

An act to amend Section 1275 of the Penal Code, relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

AB 740, as introduced, Hagman. Bail.

Existing law generally regulates the circumstances a judge or magistrate must take into consideration in setting, reducing, or denying bail.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1275 of the Penal Code is amended to
2 read:
3 1275. (a) In setting, reducing, or denying bail, the judge or
4 magistrate shall take into consideration the protection of the public,
5 the seriousness of the offense charged, the previous criminal record
6 of the defendant, and the probability of his or her appearing at trial
7 or hearing of the case. The public safety shall be the primary
8 consideration.
9 In considering the seriousness of the offense charged, the judge
10 or magistrate shall include consideration of the alleged injury to
11 the victim, ~~and~~ the alleged threats to the victim or a witness to the

1 crime charged, the alleged use of a firearm or other deadly weapon
2 in the commission of the crime charged, and the alleged use or
3 possession of controlled substances by the defendant.

4 (b) In considering offenses wherein a violation of Chapter 6
5 (commencing with Section 11350) of Division 10 of the Health
6 and Safety Code is alleged, the judge or magistrate shall consider
7 the following: (1) the alleged amounts of controlled substances
8 involved in the commission of the offense, and (2) whether the
9 defendant is currently released on bail for an alleged violation of
10 Chapter 6 (commencing with Section 11350) of Division 10 of the
11 Health and Safety Code.

12 (c) Before a court reduces bail below the amount established
13 by the bail schedule approved for the county, in accordance with
14 subdivisions (b) and (c) of Section 1269b, for a person charged
15 with a serious felony, as defined in subdivision (c) of Section
16 1192.7, or a violent felony, as defined in subdivision (c) of Section
17 667.5, the court shall make a finding of unusual circumstances and
18 shall set forth those facts on the record. For purposes of this
19 subdivision, “unusual circumstances” does not include the fact
20 that the defendant has made all prior court appearances or has not
21 committed any new offenses.